

REMARKS

Applicants thank the Examiner for her input during the interview on February 9, 2007 and for her draft claim sent by facsimile on March 20, 2007. Pursuant to MPEP 713.04, Applicants provide herein a summary of the substance of the interview. As indicated by the Examiner, agreement was reached that Applicants could overcome the pending rejections by amending the claims to indicate that the visual signal is produced by the animal identification device to identify the animal in such a way that the operator could recognize the animal by the visual signal on said animal as opposed to the visual signal produced on the screen of the receiver.

The Examiner subsequently sent a draft amended claim to Applicants on March 20, 2007. The Examiner also sent an additional reference, U.S. Pat. No. 4,701,180 (Kelly et al.).

Claims 1-19 are pending in the present application. Claims 1 and 12 have been amended and Claim 20 has been cancelled. Support for the amendments is found, among other places, at p. 18, lines 24-30; p. 10, lines 10-21; and p. 16, l. 6- p. 17, l. 2.

In the Office Action mailed January 4, 2007, the Examiner rejected Claims 1-2, 4, 6, 9, 11-14, 16, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Kennedy, U.S. Pat. No. 5,203,345 and Casscells et al., U.S. Pat. No. 6,821,249; Claims 1-3 and 20 as obvious over Wallace, U.S. Pat. No. 4,865,044 in view of Casscells; Claim 10 as obvious over Kennedy and Casscells in further view of Kennedy prior art; Claim 8 as obvious over Wallace and Casscells in view of Stafford, U.S. Patent No. 5,482,008; Claims 7, 14-15 and 17 as obvious over Kennedy and Casscells in view of Han (U.S. Pat. No. 6,835,553); Claims 6-7, 15 and 17 as obvious over Wallace and Casscells in view of Han; and Claim 5 as obvious over Kennedy and Casscells in view of Hamel (U.S. Pat. No. 6,622,567). Each rejection is discussed below. The effect of U.S. Pat. No. 4,701,180 is also addressed with respect to each rejection.

1. Rejection of Claims 1-2, 4, 6, 9, 11-14, 16, and 18-20 Under 35 U.S.C. §103(a)
Claims 1-2, 4, 6, 9, 11-14, 16, and 18-20 stand rejected under 35 U.S.C. §103(a) as obvious in view of U.S. Patent No. 5,203,345 (hereinafter, "Kennedy") and U.S. Pat. No.

6,821,249 (hereinafter “Casscells”). Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Kennedy nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Kennedy or Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

2. Claims 1-3 and 20 are not obvious over Wallace, U.S. Pat. No. 4,865,044, in view of Casscells

The Examiner has rejected claims 1-3 and 20 as obvious over Wallace in view of Casscells. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Wallace nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Wallace or Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

3. Claim 10 is not obvious over Kennedy and Casscells in further view of Kennedy Prior Art

The Examiner has rejected claim 10 as obvious over Kennedy and Casscells in further view of Kennedy Prior Art. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Kennedy, Kennedy Prior Art, nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Kennedy, Kennedy Prior Art, or Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

c. Claim 8 is not obvious over Wallace and Casscells in view of Stafford

The Examiner has rejected Claim 8 as obvious over Wallace and Casscells in view of Stafford. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Wallace, Stafford nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Wallace, Stafford or Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

d. Claims 7, 14-15 and 17 are not obvious over Kennedy and Casscells in view of Han

The Examiner has rejected Claims 7, 14-15 and 17 as obvious over Kennedy and Casscells in view of Han. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Kennedy, Han nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a

signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Kennedy, Han and Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

e. Claims 6-7, 15 and 17 are not obvious over Wallace in view of Han

The Examiner has rejected Claims 6-7, 15 and 17 as obvious over Wallace and Casscells in view of Han. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Wallace, Han nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Wallace, Han and Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

f. Claim 5 is not obvious over Kennedy and Casscells in view of Hamel


The Examiner has rejected Claim 5 as obvious over Kennedy and Casscells in view of Hamel. Applicants have amended the claims as suggested by the Examiner and therefore believe this rejection has been overcome. A *prima facie* case of obvious requires that the cited references teach or suggest each element of the claim. There is no *prima facie* of obviousness for the instant claims because neither Kennedy, Hamel nor Casscells, alone or in combination, teach an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

U.S. Pat. No. 4,701,180 (hereinafter “Kelly”) does not cure this deficiency. Kelly teaches a device containing heat sensitive capsules or pellets that dissolve and allow a piston to extend to present a signal when a certain temperature is reached. This system also fails to teach, alone or in combination with Kennedy, Hamel and Casscells, an animal identification device and implantable temperature device configured for two-way communication, wherein the animal identification device receives a signal from a remote processor and displays a signal on the body of the animal that can be recognized as opposed to a signal produced on a computer screen.

III. CONCLUSION

All grounds of rejection of the Office Action of January 4, 2007, have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's claims should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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